



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0130

Introduced 2/1/2005, by Sen. Susan Garrett

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3715/30 new  
415 ILCS 5/15  
415 ILCS 30/6  
415 ILCS 55/7.5 new

from Ch. 111 1/2, par. 1015  
from Ch. 111 1/2, par. 116.116

Amends the Illinois Groundwater Protection Act. Requires the Department of Natural Resources to develop a program to require and issue permits for high-capacity wells. Sets forth requirements for the program. Amends the Environmental Protection Act. Provides that in determining adequacy of the public water supply, the Environmental Protection Agency must determine if the applicant has a sufficient quantity of water to provide for its extraction without adverse impact to the aquifer, environment, or existing wells dependant on the water source. Amends the Water Authorities Act and the Illinois Water Well Construction Code to make corresponding changes. Effective immediately.

LRB094 04241 RSP 34265 b

1 AN ACT concerning water authority.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Water Authorities Act is amended by adding  
5 Section 30 as follows:

6 (70 ILCS 3715/30 new)

7 Sec. 30. Certification program for high-capacity wells.  
8 The Authority may establish a program for certification within  
9 its jurisdiction, as provided in Section 7.5 of the Illinois  
10 Groundwater Protection Act.

11 Section 10. The Environmental Protection Act is amended by  
12 changing Section 15 as follows:

13 (415 ILCS 5/15) (from Ch. 111 1/2, par. 1015)

14 Sec. 15. Plans and specifications; demonstration of  
15 capability.

16 (a) Owners of public water supplies, their authorized  
17 representative, or legal custodians, shall submit plans and  
18 specifications to the Agency and obtain written approval before  
19 construction of any proposed public water supply  
20 installations, changes, or additions is started. Plans and  
21 specifications shall be complete and of sufficient detail to  
22 show all proposed construction, changes, or additions that may  
23 affect sanitary quality, mineral quality, or adequacy of the  
24 public water supply; and, where necessary, said plans and  
25 specifications shall be accompanied by supplemental data as may  
26 be required by the Agency to permit a complete review thereof.

27 (b) All new public water supplies established after October  
28 1, 1999 shall demonstrate technical, financial, and managerial  
29 capacity as a condition for issuance of a construction or  
30 operation permit by the Agency or its designee. The

1 demonstration shall be consistent with the technical,  
2 financial, and managerial provisions of the federal Safe  
3 Drinking Water Act (P.L. 93-523), as now or hereafter amended.  
4 The Agency is authorized to adopt rules in accordance with the  
5 Illinois Administrative Procedure Act to implement the  
6 purposes of this subsection. Such rules must take into account  
7 the need for the facility, facility size, sophistication of  
8 treatment of the water supply, and financial requirements  
9 needed for operation of the facility.

10 (c) In determining adequacy of the public water supply  
11 under this Section, the Agency must determine if the applicant  
12 has a sufficient quantity of water to provide for its  
13 extraction without adverse impact to the aquifer, environment,  
14 or existing wells dependant on the water source. The Department  
15 must provide information gathered from this determination to  
16 the Interagency Coordinating Committee on Groundwater for  
17 inclusion in its biennial report.

18 (Source: P.A. 92-651, eff. 7-11-02.)

19 Section 15. The Illinois Water Well Construction Code is  
20 amended by changing Section 6 as follows:

21 (415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

22 Sec. 6. Rules and regulations. The Department shall adopt  
23 and amend rules and regulations reasonably necessary to  
24 effectuate the policy declared by this Act. Such rules and  
25 regulations shall provide criteria for the proper location and  
26 construction of any water well, closed loop well or monitoring  
27 well and shall, no later than January 1, 1988, provide for the  
28 issuance of permits for the construction and operation of water  
29 wells other than community public water systems, closed loop  
30 wells and monitoring wells. In addition, the Department shall  
31 adopt and amend rules and regulations reasonably necessary to  
32 effectuate the provisions of Section 7.5 of the Illinois  
33 Groundwater Protection Act. The Department shall by regulation  
34 require a one time fee, not to exceed \$100, for permits for

1 construction issued under the authority of this Act.

2 (Source: P.A. 86-843.)

3 Section 20. The Illinois Groundwater Protection Act is  
4 amended by adding Section 7.5 as follows:

5 (415 ILCS 55/7.5 new)

6 Sec. 7.5. Permit program for high-capacity wells.

7 (a) Prior to the issuance of a permit by the Department of  
8 Public Health under the Illinois Water Well Construction Code  
9 for a qualifying high-capacity well, an applicant for a well  
10 construction permit must submit documentation sufficient for  
11 the Department to determine that the applicant has a sufficient  
12 quantity of water to provide for its extraction without adverse  
13 impact to the aquifer, environment, or existing wells dependant  
14 on the water source. For purposes of this certification, credit  
15 shall be given for the use of any recycling programs that  
16 replenish the groundwater source after extraction. The  
17 Department, with the advice of the Interagency Coordinating  
18 Committee on Groundwater and of the Groundwater Advisory  
19 Council, must establish, by rule, uniform documentation and  
20 information to be provided by the applicant.

21 (b) For purposes of this Section, a qualifying  
22 "high-capacity well" means a well that is designed to withdraw  
23 170 gallons per minute, 250,000 gallons per day, or 7,500,000  
24 gallons per month. A qualifying "high-capacity well" does not  
25 include the following:

26 (1) any well located within the boundaries of a water  
27 authority organized under the Water Authorities Act; and

28 (2) any well used exclusively for irrigation in  
29 agriculture or by any facility regulated under the  
30 Livestock Management Facilities Act.

31 (c) In developing the program, the Department must comply  
32 with all of the following:

33 (1) The program must provide alternate requirements  
34 for drought conditions.

1           (2) The program must provide the certification  
2           decision to the applicant within 30 days after the  
3           completed submission of required documents to the  
4           Department.

5           (3) The Department must provide information gathered  
6           from this program to the Interagency Coordinating  
7           Committee on Groundwater for inclusion in its biennial  
8           report.

9           (d) The Department must adopt rules for the implementation  
10          of the program no later than December 31, 2005.

11           Section 99. Effective date. This Act takes effect upon  
12          becoming law.